



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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March 4, 2010

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLE   
Senior Assistant County Counsel

RE: **Celia Contreras v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 382 611**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Celia Contreras v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 382 611, in the amount of \$125,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This lawsuit arises from injuries sustained in a vehicle versus pedestrian accident involving a maintenance employee of the LAC+USC Medical Center.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Celia Contreras v. County of Los Angeles, et al.
CASE NUMBER	BC382611
COURT	Los Angeles Superior Court
DATE FILED	12/19/2007
COUNTY DEPARTMENT	DHS-LAC+USC Health Care Network - General Hospital
PROPOSED SETTLEMENT AMOUNT	\$ 125,000
ATTORNEY FOR PLAINTIFF	Richard E. Schwartz, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On 11/13/2006, a facility maintenance employee of LAC+USC Medical Center was driving an electric maintenance cart southbound on the east sidewalk of Eastlake Avenue approximately 300 feet north of its intersection with Zonal Avenue. At the same time, Celia Contreras was walking mid-block across Eastlake Avenue and emerged onto the east sidewalk from between parked cars on the street. As a result, the cart and Ms. Contreras collided into one another and Ms. Contreras claims soft tissue injury to her neck and back..

Ms. Contreras filed suit against the County and its employee, contending that the employee drove the cart negligently on the sidewalk and that the County is vicariously liable for that negligence.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff

PAID ATTORNEY FEES, TO DATE	\$	36,148
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PAID COSTS, TO DATE	\$	11,026
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## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	11/13/06
Briefly provide a description of the incident/event:	On November 13, 2006, Celia Contreras parked her car on Eastlake Avenue near Zonal Avenue. As she stepped between two parked cars onto the side walk, she was hit by a County tram (electrical cart) driven by a County employee.

1. Briefly describe the root cause of the claim/lawsuit:

Unsafe driving.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

### SYSTEMS

- The facility provided Tram Safety Training to staff operating trams.
- The facility installed tram strobe LED lights and back-up alarms on all trams.
- The facility revised its Tram Safety Training Program
- The facility sought input from the Los Angeles Police Department and County Office of Public Safety and revised its policy on Vehicular Operation.
- The facility sent a broadcast message to staff on its Intranet Website informing them of enforcement of the new policy effective October 15, 2009
- The facility reduced the number of trams in active operation by 34%.
- The facility designated routes for tram passage on and around the campus.
- The facility educated tram drivers regarding the acceptable routes.
- On October 7, 2009, the Department contacted the Chief Executive Office (CEO) to request technical assistance on identifying overall regulatory requirements related to tram and tug safety.
- On January 5, 2010, the CEO completed its Electric Cart Regulation Review.
- The Department/facility consulted with the Chief Executive Office and County Counsel regarding the approach and initiated a request to the Department's Policy and Government Relations Office to lobby for an amendment to the L. A. Municipal Code.

### PERSONNEL

- The County driver attended Tram Safety Training.

### SYSTEM-WIDE

On September 29, 2009, the Department conducted a system-wide survey regarding facilities' vehicle (tram and tug) training programs.

REVISED

County of Los Angeles  
Summary Corrective Action Plan



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SYSTEM-WIDE

- On September 29, 2009, the Department conducted a system-wide survey regarding facilities' vehicular (tram and tug) training programs.

3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 2/8/10
Signature: (Department Head) 	Date: 2-22-10